

WRIGHT, FINLAY & ZAK, LLP

Arnold L. Graff, Esq. (SBN 269170)

4665 MacArthur Court, Suite 200

Newport Beach, CA 92660

Telephone: (949) 477-5050

Fax: (949) 608-9142

Email: agraff@wrightlegal.net

WFZ #252-20252612

Attorneys for Respondent,

NBS DEFAULT SERVICES, LLC

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

In re:

MELISSA MARIE WILKERSON,

Debtor.

Case No. 25-40564-CN

Chapter: 13

**PREHEARING STATEMENT
PURSUANT TO COURT ORDER
SETTING STATUS CONFERENCE
ON MOTION FOR DAMAGES FOR
VIOLATION OF AUTOMATIC
STAY (DOCKET 70)**

HEARING:

Date: September 12, 2025

Time: 11:00 a.m.

Location: United States Bankruptcy

1300 Clay Street

Oakland, CA 90012

Courtroom 215

**PREHEARING STATEMENT PURSUANT TO COURT ORDER
SETTING STATUS CONFERENCE ON MOTION FOR DAMAGES
FOR VIOLATION OF AUTOMATIC STAY (DOCKET 70)**

NBS Default Services, LLC (“NBS”) hereby submits this prehearing statement, regarding Debtor’s Motion for Damages for Violation of the Automatic Stay (the “Motion”) [*See* ECF #39]. This prehearing statement is being filed in compliance with this court’s order setting status conference on Debtor’s Motion (the “Order”) [*See* ECF #70].

1 Counsel for NBS has exchanged email communications with Debtor's Motion counsel
2 regarding the two issues raised in the Order. Debtor's Motion counsel confirmed that he would
3 also file a separate statement pursuant to the Order.

4 **A. WHETHER THERE IS A FACTUAL DISPUTE ABOUT THE TIME OF THE**
5 **BANKRUPTCY FILING.**

6 For the purposes of the Motion, the parties agree that the bankruptcy petition was filed
7 at 9:06 am.

8 However, Respondent still contends they did not receive notice that the bankruptcy was
9 filed at 9:06 am, until after the motion for sanctions was filed. Prior to that time, Debtor's
10 bankruptcy counsel (and the notice of bankruptcy) always confirmed the bankruptcy was filed
11 at 9:19 am. When asked if Debtor would stipulate to this ancillary point, Debtor's Motion
12 counsel advised that he could not agree because he does not know what was said on the call
13 when creditors were notified of the bankruptcy case. Debtor's counsel also added that he does
14 not think this particular point matters.

15 **B. WHETHER THE PARTIES BELIEVE THERE ARE ANY OTHER FACTUAL**
16 **DISPUTES THAT THE COURT IS REQUIRED TO RESOLVE.**

17 NBS strongly believes there are no material factual disputes that the court is required to
18 resolve with respect to the Motion. Debtor's Motion counsel advised that while he would tend
19 to agree, there are a few points of fact he allegedly needs to get clarification from the court about
20 before Debtor can agree that there are no further disputes of fact. While it was not specified
21 what these additional points are, to the extent that they include whether the Trustee's Deed Upon
22 Sale ("TDUS") was conveyed, NBS has already provided very clear evidence confirming that
23 no TDUS was ever even drafted before the foreclosure sale was confirmed to be rescinded. Thus,
24 NBS strongly believes and asserts that there are no remaining factual disputes, and NBS

1 respectfully requests that the court decide the Motion, as further discovery would simply be a
2 waste of this courts and the parties' time and resources.

3
4 **WRIGHT, FINLAY & ZAK, LLP**

5 Dated: September 9, 2025

By: /s/ Arnold L. Graff, Esq.

6 Arnold L. Graff, Esq.

7 Attorneys for Respondent,

8 NBS DEFAULT SERVICES, LLC
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

WRIGHT, FINLAY & ZAK, LLP

Arnold L. Graff, Esq. (SBN 269170)

4665 MacArthur Court, Suite 200

Newport Beach, CA 92660

Telephone: (949) 477-5050

Fax: (949) 608-9142

Email: agraff@wrightlegal.net

WFZ #252-20252612

Attorney for Respondent,

NBS DEFAULT SERVICES, LLC

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

In re:

MELISSA MARIE WILKERSON,

Debtor.

BK Case No.: 25-40564-CN

Chapter: 13

CERTIFICATE OF SERVICE

HEARING:

Date: September 12, 2025

Time: 11:00 a.m.

Location: United States Bankruptcy

1300 Clay Street

Oakland, CA 90012

Courtroom 215

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 280, Newport Beach, California 92660.

On 9/9/2025, I served the foregoing document described as **PREHEARING STATEMENT PURSUANT TO COURT ORDER SETTING STATUS CONFERENCE ON MOTION FOR DAMAGES FOR VIOLATION OF AUTOMATIC STAY (DOCKET 70) AND CERTIFICATE OF SERVICE** on the interested parties in this action as follows:

1 [X] (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed
2 in the United States mail at Las Vegas, Nevada. I am readily familiar with the firm's business
3 practice for collection and processing of correspondence for mailing with the U.S. Postal Service
4 pursuant to which practice the correspondence is deposited with the U.S. Postal Service the same
5 day in the ordinary course of business. **See attached service list.**

6 [X] (BY ELECTRONIC SERVICE) Pursuant to CM/ECF System, registration as a
7 CM/ECF user constitutes consent to electronic service through the Court's transmission facilities.
8 The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel
9 of record listed above who are registered with the Court's EC/ECF system. **See attached service**
10 **list.**

11 [X] (FEDERAL) I declare that I am employed in the office of a member of the bar of
12 this court at whose direction the service was made.

13 I declare under penalty of perjury of the laws of the United States that the foregoing is true
14 and correct. Executed on 9/9/2025, at Newport Beach, California.

15 /s/ Jackie Powell
16 JACKIE POWELL
17
18
19
20
21
22
23
24

ADDITIONAL SERVICE INFORMATION

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

Martha G. Bronitsky 13trustee@oak13.com
Andrew Christensen andrew@californiahomelawyer.com, R61919@notify.bestcase.com
Dane Wyatt Exnowski dane.exnowski@mccalla.com, mccallaecf@ecf.courtdrive.com
Arnold L. Graff agraff@wrightlegal.net, jpowell@wrightlegal.net
Office of the U.S. Trustee/Oak USTPRegion17.OA.ECF@usdoj.gov
Elaine Soong esoong@wedgewood-inc.com, aguisinger@wedgewood-inc.com
E. Vincent Wood general@shepwoodlaw.com, Wood.E.V.B@notify.bestcase.com

TO BE SERVED BY UNITED STATES MAIL:

DEBTOR:

Melissa Marie Wilkerson
1933 Grass Mountain Ct
Antioch, CA 94531

DEBTOR'S COUNSEL:

Andrew Christensen
Law Office of Andrew J. Christensen, P.C.
2063 Mountain Blvd., Suite 2
Oakland, CA 94611

DEBTOR'S CO-COUNSEL:

E. Vincent Wood
Shepherd & Wood LLP
2950 Buskirk Ave., Ste 300
Walnut Creek, CA 94597

CHAPTER 13 TRUSTEE:

Martha G. Bronitsky
P.O. Box 5004
Hayward, CA 94540

U.S. TRUSTEE:

Office of the United States Trustee
Phillip J. Burton Federal Building
450 Golden Gate Ave. 5th Fl., #05-0153
San Francisco, CA 94102

INTERESTED PARTY:

Good Neighbor Homes, LLC
Wedgewood Office of the General Counsel
2015 Manhattan Beach Blvd., Ste. 100
Redondo Beach, CA 90278